

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN BENCH, CHENNAI**

Original Application No. 105 of 2021 (SZ)

Yanati Srinivasulu Reddy & anotherApplicants

Versus

Union of India & Ors Respondents

KNOW ALL to whom these present shall come that I Satyendra Kumar Dotan S/o Radhey Shyam aged about 38 , Deputy Director in Central Electricity Authority, Ministry of Power, Sewa Bhawan, R.K. Puram, New Delhi. The above named Respondent No. 4 do hereby appoint A.R. Shaktivel, Advocate for the Respondent No. 4, Central Govt. Counsel, Hon'ble NGT, Chennai (herein after called the advocate/s) to be my/our Advocate in the above- noted case authorize him:-

To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried to heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other legal practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/or own acts, as if done by/me/us to all intents and purpose.

And I/we undertake that i/We or my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/we undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by m/us on this 20th day of July 2021.

Accepted subject to the terms of the fees.

A.R. Shaktivel, Advocate

CLIENT

A.R. SAKTHIVEL B.Sc., B.L.
ADVOCATE
SENIOR PANEL COUNSEL
CENTRAL GOVERNMENT STANDING COUNSEL
MADRAS HIGH COURT
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सत्येंद्र कुमार दोतान
Satyendra Kumar Dotan
उप निदेशक/Deputy Director
केन्द्रीय विद्युत प्राधिकरण/C.E.A.
विद्युत मंत्रालय/Ministry of Power
भारत सरकार/Govt. of India
नई दिल्ली /New Delhi-65

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INDEX

S.NO.	PARTICULARS	PAGES
1.	REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT No. 4 (MINISTRY OF POWER)	1-5
2.	VAKALATNAMA	6-6

FILED BY:

Date :20.07.2021

New Delhi

A.R. Shaktivel
Advocate for the Respondent No.4
Central Govt. Counsel
Hon'ble NGT, Chennai

**BEFORE THE NATIONAL GREEN TRIBUNAL
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Original Application No. 105 of 2021 (SZ)

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..... Respondents

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4 (MINISTRY
OF POWER)**

I, Satyendra Kumar Dotan S/o Radhey Shyam aged about 38 , do hereby solemnly affirm and sincerely state as follows:

1. I am working as Deputy Director in Central Electricity Authority, Ministry of Power, Sewa Bhawan, R.K. Puram, New Delhi and I am fully conversant with the facts based on the records and I am also authorised to file this reply affidavit on behalf of the Respondent No. 4.

2. I have read and understood the Original Application and am filing this Affidavit as reply thereto.

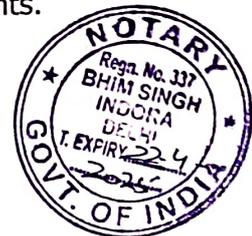
3. It is submitted that the contents of the Original Application that have neither been specifically admitted hereunder nor are a matter of record are denied.

4. That the deponent craves liberty to raise any further submissions or file additional affidavits if need arises during the course of arguments.

ATTESTED
BHIM SINGH INDOORA
NOTARY GOVT OF INDIA

20 JUL 2021

Satyendra
सत्येंद्र कुमार दोतान
Satyendra Kumar Dotan
उप निदेशक / Deputy Director
केन्द्रीय विद्युत प्राधिकरण / C.E.A.
मंत्रालय / Ministry of Power
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi-66



5. **PRELIMINARY SUBMISSION**: It is humbly submitted before the Hon'ble Tribunal:

5.1 that the Applicants who are the residents of Nelatur village Nellore District, Andhra Pradesh, through the instant Application have raised the issue of high level of pollution caused due to the various (about 30) coal based thermal power projects established in and around their village and allegedly due to the non-implementation of various environmental laws and particularly the non-implementation of the Forest (Conservation), Act, 1980, the Air (Prevention and Control of Pollution), Act, 1981, The Environment (Protection) Act, 1986, The Water (Prevention and Control of Pollution), Act, 1974. Further, the Applicants have specifically raised the issue of pollution caused by the Sri Damodaram Sanjeeviah Thermal Power Plant (1600 MW) belonging to the 8th and 9th respondents and prayed for the directions of the Hon'ble Tribunal for payment of the compensation for the loss sustained by them due to environmental pollution.

5.2 that the Sri Damodaram Sanjeeviah TPP, Andhra Pradesh has utilized 91.70 % of total Ash Generated during year 2020-21 and 51.40 % during year 2019-20.

5.3 that as per the Notifications, issued by the Ministry of Environment and Forests & Climate Change (Respondent No. 2) from time to time, all Thermal Power Plants are required to achieve Fly Ash Utilization, failing which necessary Environmental Compensation will be imposed by Central Pollution Control Board (Respondent No. 3) / State Pollution Control Board (Respondent No. 7) as per the extant rules.



In order to protect the environment, conserve top soil, and promote utilization of ash generated from coal and lignite based TPPs, the Ministry of Environment, Forest and Climate Change (MoEF&CC) has issued notifications on fly ash utilization. First notification was issued on 14.09.1999, which was subsequently amended in year 27.08.2003, 03.11.2009 & 25.01.2016 respectively. In the said notifications, the MoEF&CC notified instruction for sustainable utilization of Fly Ash mandating, the thermal power plants to adhere to such norms in a time bound manner.

20 JUL 2021

Satyendra Kumar Datan
 Satyendra Kumar Datan
 उप निदेशक/Deputy Director
 केन्द्रीय विद्युत प्राधिकरण/C.E.A.
 विद्युत मंत्रालय/Ministry of Power
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi-65

ATTESTED
Bhim Singh Indora
 BHIM SINGH INDORA
 NOTARY GOVT OF INDIA

5.5 The Applicants have neither raised any grievance nor prayed for any directions/relief against the Ministry of Power (Respondent No.4).

6. Para-Wise Comments to the Petition

6.1 That the contents of **Paras I** are the submissions which are not pertaining to the answering respondent and thus need no reply.

6.2 That the contents of **Paras II** are submission of the facts regarding the respondents and thus need no reply.

6.3 That the contents of **Paras III(i) to III(iii)** are either submissions which are not pertaining to the answering respondent or facts of matter and thus need no reply.

6.4 For the contents of **Paras III (iv)**, it is submitted that all thermal power plants have to dispose of the Ash generated in an environment friendly manner as per the rules and environmental laws. All the TPPs have to ensure 100% ash utilization as per MoEF&CC Notifications issued from time to time.

6.5 That the contents of **Para III (v) to Para III (vii)** are either submissions which are not pertaining to the answering respondent or facts of matter and thus need no reply.

6.6 For the contents of **Paras III (viii)** it is submitted that MoEF&CC issued Fly Ash Notification, 1999 and subsequent amendments vide notifications dated 27.08.2003, 03.11.2009 and 25.01.2016; wherein the MoEF&CC has notified instruction for sustainable utilization of Fly Ash mandating the respective thermal power plants to adhere to such norms in a time bound manner.

6.7 That the contents of **Para III (ix) to Para III (x)**, are not pertaining to the answering respondent and thus need no reply.

6.8 That the contents of **Paras III (xi)** it is submitted that all thermal power plants have to dispose of the Ash generated in an environment

ATTESTED

20 JUL 2021

BHIM SINGH INDIRA
NOTARY (GOVT. OF INDIA)

Satyendra Kumar Duttan
Satyendra Kumar Duttan
उप निदेशक/Deputy Director
केन्द्रीय विद्युत प्राधिकरण/C.E.A.
विद्युत मंत्रालय/Ministry of Power
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi-66



friendly manner as per the rules and environmental laws. All the TPPs have to ensure 100% ash utilization as per MoEF Notifications issued from time to time.

6.9 That the contents of **Para III (xii) to Para III (xv)**, are not pertaining to the answering respondent and thus need no reply.

6.10 That the contents of **Paras III (xvi)**, it is submitted that all thermal power plants have to dispose of the Ash generated in an environment friendly manner as per the rules and environmental laws. All the TPPs have to ensure 100% ash utilization as per MoEF&CC Notifications issued from time to time.

6.11 That the contents of **Para III (xvii) to Para III (xviii)**, are not pertaining to the answering respondent and thus need no reply.

6.7 Reply of Grounds :

That the contents of **Paras IV (i) to IV (vii)** are the submissions which are not pertaining to the answering respondent and thus need no reply.

6.8 Reply of Limitation:

That the contents of **Para V** are the submissions which does not pertain to the answering respondent and thus need no reply.

6.9: Reply of Valuation:

That the contents of **Para VI** are the submissions ,which does not pertain to the answering respondent and thus need no reply.

7. Prayer of the answering respondent:

In view of the submissions made above, the Hon'ble Tribunal may decide the matter as deem fit and render justice in the public interest.



**ATTESTED
VERIFICATION**
BHIM SINGH INDIRA
NOTARY GOVT OF INDIA

20 JUL 2021

Satyendra Kumar Duttan
DEPONENT

सत्येंद्र कुमार दूतान
Satyendra Kumar Duttan
उप निदेशक / Deputy Director
केन्द्रीय विद्युत प्राधिकरण / C.E.A.
विद्युत मंत्रालय / Ministry of Power
भारत सरकार / Govt. of India
नई दिल्ली / New Delhi-110014

I, the above named deponent do here by state that the facts stated above are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

Verified at New Delhi on this 20th day of July, 2021.

Satyendra Kumar Duttan
DEPONENT

सत्येंद्र कुमार दूतान
Satyendra Kumar Duttan
उप निदेशक/Deputy Director
केन्द्रीय विद्युत प्राधिकरण/C.E.A.
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नई दिल्ली/New Delhi-66

8374/2021-21

ATTESTED

Bhim Singh Indora
BHIM SINGH INDORA
NOTARY GOVT OF INDIA

20 JUL 2021

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